

State of Rhode Island

County of Washington

In Hopkinton on the nineteenth day of September 2022 A.D. the said meeting was called to order by Town Council President Stephen Moffitt, Jr. at 7:00 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

PRESENT: Stephen Moffitt, Jr., Robert Marvel; Scott Bill Hirst, Michael Geary; Town Solicitor Stephen Sypole; Town Manager Brian Rosso; Town Clerk Elizabeth Cook-Martin; Absent: Sharon Davis.

**EXECUTIVE SESSION**

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO RECESS TO EXECUTIVE SESSION UNDER: RIGL SEC. 42-46-5(A)(1) - INTERVIEWS: BOARDS & COMMISSIONS: CHARTER COMMISSION.

POLL VOTE:

IN FAVOR: Moffitt, Geary Hirst, Marvel

OPPOSED: None

SO VOTED

Councilor Davis arrived and was present for the executive session.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO RECONVENE IN OPEN SESSION.

IN FAVOR: Moffitt, Davis, Geary Hirst, Marvel

OPPOSED: None

SO VOTED

Council President Moffitt reported that no votes were taken in Executive Session.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO SEAL THE MINUTES OF THE EXECUTIVE SESSION.

IN FAVOR: Moffitt, Davis, Geary Hirst, Marvel

OPPOSED: None

SO VOTED

**CALL TO ORDER AND ROLL CALL**

The meeting was called to order with a moment of silent meditation and a salute to the Flag.

**ROLL CALL**

Councilors Davis, Hirst, Marvel, Moffitt and Geary announced they were present.

**PRESENTATION – POWER POINT SLIDE SHOW ADULT USE CANNABIS IN RI**

Matthew Santacroce, Interim Deputy Director RI Department of Business Regulation was present. He narrated a Power Point Slide Show on Adult Use Cannabis in Rhode Island.

Mr. Santacroce provided an overview of what the legalization of cannabis means for the State of Rhode Island and its cities and towns. He noted that medical marijuana has been allowed in Rhode Island in varying forms since 2007, with licensed dispensary and cultivation operations since 2009. Presently in RI there are just under 17,000 registered patient cardholders or individuals qualified by a medical provider to purchase marijuana at retail. There are 67 licensed cultivators in RI, which are licensed industrial commercial indoor growers, including two in Hopkinton; and, five licensed retailers in the State who sell marijuana to those qualifying patients. RI has been divided into six zones in order to assure that retail locations are distributed somewhat uniformly across the state. Mr. Santacroce touched on some of the key provisions of the RI Cannabis Act regarding possession, retail, social equity and taxation. He noted that there is a 20% tax rate on sales with a 3% dedicated revenue share to municipalities where the transactions are occurring at retail. Councilor Davis noted that 31 of the 39 cities and towns are putting this question on the ballot and wondered if the 31 cities and towns voted this down, how would that effect the distribution of the 24 retail licenses. Mr. Santacroce felt that the regulations governing the distribution of those stores would have to be flexible enough to account for that and he really did not believe those cities and towns would vote to opt out. Councilor Marvel asked if the 3% tax on revenue was based on what was sold in that municipality and Mr. Santacroce advised that was correct. If someone makes a \$100 purchase

there is a 20% tax added, 3% of which will be sent to the municipality from the state, much like what is currently done with the meals and beverage tax.

Councilor Hirst suggested that Hopkinton was recently burned by the legislation regarding tax promises from solar arrays; he noted that the legislature could change the 3% tax paid to the town which Mr. Santacroce acknowledged that was correct. Councilor Hirst asked if the state would limit the amount of marijuana shops in each city or town and Mr. Santacroce indicated that there would be four new retail outlets in each zone and beyond that there was no interaction with town borders. Councilor Hirst also asked what the procedure would be in the future if the residents voted this down but changed their minds later. Mr. Santacroce indicated that if the town voted against this, they would have another shot but the assembly would have to authorize this by way of a joint resolution. Solicitor Sypole noted that he was very concerned because the ballot question does not let the voter know that there are financial implications with this vote. He asked if there was anything that the State was going to do between now and November to make people aware of that. Mr. Santacroce noted that their job is not to advocate for or against these businesses. Their job is to effectively regulate businesses transparently in accordance with the law and regulations; this was a critical role for local electors to play in this process. Council President Moffitt asked Mr. Santacroce to explain what the Cannabis Control Commission will do. He indicated that this will be a three member oversight commission appointed by the Governor which will begin the work of promulgating full adult use rules and regulations which is a lengthy and very substantial exercise that has taken other states a year and a half to prepare. They will then absorb all of the existing regulatory responsibility of DBR, the Department of Health and some other agencies in state government into a streamlined and consolidated regulatory structure that will feature a new version of their existing office at DBR which will support it as staff and an implementation office. Councilor Davis noted that Hopkinton currently has two cultivators and she asked if those cultivators would become retailers and Mr. Santacroce stated they would not. Councilor Hirst asked if the law allowed someone to be a cultivator and seller at the same time and Mr. Santacroce advised that the medical law does permit that, and five of the total

nine compassion centers will become vertically integrated which meant they basically control the product from seed to sale; the other four will be retail only. The 24 new licenses will be strictly retail. Councilor Geary asked if the referendum was approved, when did Mr. Santacroce foresee the permits being available. Mr. Santacroce believed that applications would not be available until December of 2023. Councilor Davis asked if applicants would have to go through their local building and zoning process to open a retail store and Mr. Santacroce indicated yes, they would. Councilor Geary asked how often the state would audit these retail stores and Mr. Santacroce indicated that every single business in RI is inspected at least once a year during their annual renewal process; however, the DBR was hoping to conduct several more inspections of these retail stores per year. Council President Moffitt asked if they would assure that these retail establishments were selling what they were advertising and Mr. Santacroce indicated they would and they have a really well run testing program in place. Councilor Davis asked who would be checking to assure that people were not growing more than three plants. Mr. Santacroce indicated that it was pretty hard to conceal a large scale grow operation and if the neighbors were suspicious he hoped that they would inform local law enforcement for this was now a criminal activity.

#### **PUBLIC COMMENT**

Joe Moreau of Old Depot Road wished to thank David Caswell and his staff for lowering the flags to half-staff on 9-11. He asked the Council to listen to the Planning Board meeting of September 7, 2022. He felt it was important for the Council to listen to that meeting prior to their October 3, 2022 (workshop) meeting. Mr. Moreau also asked about the ARPA funds and wondered if the town was ready to spend some of that money for DPW has four registered vehicles which are so old that they qualify for antique plates and he wishes to see them with some new equipment. He also wished to know if anyone had heard back from The League regarding their work on a proposal to the legislature regarding the reclassification of commercial property to RFR80 for solar taxation; Councilor Davis noted that she had not heard back from them but she would follow-up. Lastly, he wished to note that once a month Richmond has a food truck event

which he and his wife recently attended and he wondered if it was possible to hold this event in Hopkinton, possibly at Crandall Field, for he thought this would be a fun event to bring the community together.

**APPROVAL OF AGENDA ORDER**

There were no concerns voiced over the agenda order.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO ADOPT THE AGENDA ORDER.

IN FAVOR: Moffitt, Davis, Geary Hirst, Marvel

OPPOSED: None

SO VOTED

**CONSENT AGENDA**

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST TO Approve Town Council Meeting Minutes of September 6, 2022; Accept the following monthly financial/activity report: Town Clerk; Set November 7, 2022 as hearing date for renewals of Liquor Licenses and Victualling Licenses; Set December 5, 2022 for renewals of Holiday Sales Licenses; Approve Petition filed by RI Energy for a Narragansett Electric/Verizon for a new joint pole location on Oak Street; Approve refunds resulting from overpayment by taxpayer on 2021 motor vehicle tax roll and a payment on a parcel made by an escrow company for a parcel that is not escrowed on the 2022 real property tax roll submitted by the Tax Collector.

IN FAVOR: Moffitt, Davis, Geary Hirst, Marvel

OPPOSED: None

SO VOTED

**HEARING: PROPOSED AMENDMENT TO THE DISTRICT USE TABLE, USE CATEGORY 07 ACCESSORY FAMILY DWELLING UNIT**

The Council opened a hearing on proposed amendments to the Zoning Ordinance District Use Table Use Category 07 Accessory Family Dwelling Unit and to consider repealing Chapter 151 Accessory Family Dwelling Unit Ordinance introduced and sponsored by Councilor Moffitt.

The proposed amendments to the Zoning Ordinance regarding Accessory Dwelling Units (ADU) will satisfy the minimal requirements of the State Zoning Enabling Act as set forth in R.I.G.L. § 45-24-37(e). The proposed revisions include amendments to Section 2. Definitions; Section 5 District Use Regulations and Section 5.2 Supplemental regulations accessory dwelling units. The proposed revisions would limit ADU’s to family members, would permit the ADU as part of an owner-occupied residence; would limit occupancy of an ADU to two (2) persons. The process involved in the permitting of an ADU would be handled by the Hopkinton Building and/or Zoning Official and will require a site plan prepared by a professional engineer and a valid system suitability determination issued by the RIDEM ISDS Division depending upon the number of bedrooms to ensure protection of natural resources and human health. The ADU would allow for one additional street parking space. Additional parking on the side of the main residence facing the street shall be prohibited. ADU’s cannot be used as short-term rentals and cannot be advertised or marketed for rental to the public.

The following would be stricken from the District Use Table:

District Use Table

	RRR-80	Res-1	NB	C	M	Primary	Secondary
<del>07 Accessory Family Dwelling Unit</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>N</del>	<del>P</del>	<del>P</del>

The proposed amendments shall take effect immediately upon passage.

**COUNCIL DISCUSSION**

Solicitor Sypole noted that he had spoken with Sherri Desjardins and Anthony Santilli of the Building & Zoning Office and they agreed that on the last page, subsection (c) which notes that each application should be accompanied by a site plan prepared by a professional engineer, that it should read that the site plan be prepared by a licensed professional engineer or licensed surveyor. This was agreed to by all Councilors. Solicitor Sypole also noted that 8(a) had a handwritten note that said “and/or Zoning Official” and Town Clerk Cook-Martin explained that he had recommended that be added into the legal ad. He felt this made sense for if you had an existing ADU on your property you may only need the Zoning Official to confirm you meet the requirements and to do an inspection; however, if you are constructing a new ADU then the building official would need to be involved with the issuance of permits. Councilor Davis noted that the

“accessory family dwelling unit” category was stricken from the district use table and the Planning Board had questioned whether it should be replaced with “accessory dwelling unit”. Solicitor Sypole indicated that the term accessory family dwelling unit is no longer a term pursuant to State law and an accessory dwelling unit was something that is allowed with a residential use. This was in the use table previously because there was a requirement for a special use permit for an accessory family dwelling unit; now there would be no special use permit required, it would just require Building & Zoning approval. Solicitor Sypole believed a special use permit would be one of the things that the state would determine to be too burdensome. Solicitor Sypole noted that his reasoning is based on RIGL 45-24-37 which indicates that at a bare minimum the town has to allow these for family members, relatives of a certain age and people with disabilities. In RIGL 45-24-73, it states that any municipality which *chooses* to permit accessory dwelling units within the municipality; this means that the town has a choice of what to allow. Anthony Santilli was present via Zoom to answer any questions and believed this amendment to the ordinance would work very well.

**PUBLIC COMMENT**

There was no public comment.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO CLOSE THE PUBLIC HEARING AND SET A DATE FOR A DECISION.

IN FAVOR: Moffitt, Davis, Geary Hirst, Marvel

OPPOSED: None

SO VOTED

The Council set October 3, 2022 as the date for the decision.

**VACANCIES AND APPOINTMENTS**

**Planning Board Alternate**

Christina M. Bolek had applied for the Planning Board Alternate position and had been interviewed.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO APPOINT CHRISTINA M. BOLEK AS ALTERNATE TO THE PLANNING BOARD. Discussion: Council President Moffitt noted he would be voting no on this appointment as he felt the position needed someone with a little more of a technical background and someone with a more time in town to understand a little more history about the town. He noted it was no slight to the applicant whom he had a chance to meet and had a very nice interview with. Councilor Geary understood his position but noted that anyone who wants to get involved must get their feet wet. Councilor Hirst felt there would be ample support from the planning staff and it was important to support those who wish to get involved. He did not feel she had a hidden agenda and welcomed her to the position. Discussion ended and the Council voted as follows:

IN FAVOR: Davis, Geary Hirst, Marvel

OPPOSED: Moffitt

SO VOTED

#### **NEW BUSINESS**

#### **TERMINATION OF PLOWING AND SWEEPING SERVICE BY PUBLIC WORKS RE: TWO HOPKINTON ELEMENTARY SCHOOLS**

This matter had been scheduled to discuss, consider and possibly vote to send a letter to the Chariho Regional School District regarding the possible termination of service by Hopkinton Public Works of plowing and sweeping the two Hopkinton Elementary Schools.

Town Manager Brian Rosso explained that this matter was brought to him by Director Caswell who had some concerns about Hopkinton's fleet; being able to maintain their vehicles; and, the safety of town roads. Mr. Rosso advised that Richmond had also decided not to plow their elementary school. DPW Director Dave Caswell was present and suggested that this was not about the money but about safety; noting that the traveling public expects and deserves the roads to be in the best condition that they can provide at any given time. He does not feel that they should be plowing parking lots for their fleet is aging and over the past few years they have been short staffed. Councilor Geary asked if the Chariho School District had their own snowplow equipment and Mr. Caswell indicated they did

but he was unsure of the exact number of vehicles they had. Councilor Davis questioned if the Chariho budget included the plowing of the parking lots at the elementary schools and Mr. Caswell advised that he had no knowledge of that. Mr. Caswell believed that when the district was formed, Chariho had no equipment so each town took care of the schools in their district. Now the school district is putting things in the parking lots, such as speed bumps, which make plowing difficult. Last year there was a suggestion that school was cancelled because the facilities were not ready, which he did not believe was true. Councilor Davis felt this should have been discussed before the budgets were approved and Mr. Caswell reiterated that Chariho had their own snow equipment. Mr. Rosso stated that Chariho would not go into a deficit because of this and Council President Moffitt did not feel the timing of this matter was an issue and parking lots should be the last things plowed. Councilor Hirst noted that Chariho has millions of dollars in their budget and he was in full support of sending them a letter regarding the termination of plowing and sweeping by DPW.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR MARVEL TO SEND A LETTER TO THE CHARIHO REGIONAL SCHOOL DISTRICT REGARDING THE TERMINATION OF SERVICE BY HOPKINTON PUBLIC WORKS FOR THE PLOWING AND SWEEPING OF THE TWO HOPKINTON ELEMENTARY SCHOOLS.

IN FAVOR: Moffitt, Davis, Geary Hirst, Marvel

OPPOSED: None

SO VOTED

**PUBLIC COMMENT**

Joe Moreau of Old Depot Road noted DPW does a great job plowing the roads and the town should be taken care of first.

Dave Caswell wished to publicly invite any and all of the Councilors and the Town Manager to come on a ride-along with them during a snow event.

**ADJOURNMENT**

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO ADJOURN IN MEMORY OF JOHN

SZALKOWSKI AND IN MEMORY OF HER MAJESTY THE QUEEN  
ELIZABETH II, QUEEN OF THE UNITED KINGDOM, GREAT BRITAIN  
AND NORTHERN IRELAND.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk